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FEBRUARY 16, 2021 BY RONNIE

Bit Of History – Bill C-30, Toews Gutting Internet Privacy Under Pretense Of Child Protection

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House Government Bill
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41st Parliament, 1st Session
June 2, 2011 - September 13, 2013
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C-30
An Act to enact the Investigating and Preventing Criminal Electronic Communications Act and to amend the Criminal Code and other Acts
Short Title
Protecting Children from Internet Predators Act
Sponsor
Minister of Public Safety

On February 14, 2012, then-Public Safety Minister Vic Toews introduced Bill C-30 into the House of Commons. It would have forced internet providers to hand over customer data — without a warrant — to police during investigations. Even law abiding people had reason to be concerned, with just how broad and sweeping this Bill was. Anyhow, it didn't get past 1st Reading.

Content Of Bill C-30

Obligations Concerning Subscriber Information

Provision of subscriber information

16. (1) On written request by a person designated under subsection (3) that includes prescribed identifying information, ***every telecommunications service provider must provide the person with identifying information in the service provider's possession or control respecting the name, address, telephone number and electronic mail address of any subscriber to any of the service provider's telecommunications services and the Internet protocol address and local service provider identifier that are associated with the subscriber's service and equipment.***

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Purpose of the request

(2) A designated person must ensure that he or she makes a request under subsection (1) only in performing, as the case may be, a duty or function

(a) of the Canadian Security Intelligence Service under the Canadian Security Intelligence Service Act;

(b) of a police service, including any related to the enforcement of any laws of Canada, of a province or of a foreign jurisdiction; or

(c) of the Commissioner of Competition under the Competition Act.

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Designated persons

(3) The ***Commissioner of the Royal Canadian Mounted Police, the Director of the Canadian Security Intelligence Service, the Commissioner of Competition and the chief or head of a police service constituted under the laws of a province may designate for the purposes of this section any employee of his or her agency, or a class of such employees, whose duties are related to protecting national security*** or to law enforcement.

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Limit on number of designated persons

(4) The number of persons designated under subsection (3) in respect of a particular agency may not exceed the greater of five and the number that is equal to five per cent of the total number of employees of that agency.

Delegation

(5) The Commissioner of the Royal Canadian Mounted Police and the Director of the

Canadian Security Intelligence Service ***may delegate his or her power to designate persons under subsection (3) to, respectively, a member of a prescribed class of senior officers of the Royal Canadian Mounted Police or a member of a prescribed class of senior officials of the Canadian Security Intelligence Service***.

Miscellaneous Provisions

Facility and service information

24. (1) A ***telecommunications service provider must, on the request of a police officer or of an employee of the Royal Canadian Mounted Police or the Canadian Security Intelligence Service***,

(a) provide the prescribed information relating to the service provider's telecommunications facilities;

(b) indicate what telecommunications services the service provider offers to subscribers; and

(c) ***provide the name, address and telephone number of any telecommunications service providers from whom the service provider obtains or to whom the service provider provides telecommunications services***, if the service provider has that information.

Persons engaged in interceptions

28. (1) A ***telecommunications service provider must***, on the request of the Royal Canadian Mounted Police or the Canadian Security Intelligence Service, ***provide a list of the names of the persons who are employed by or carrying out work for the service provider who may assist in the interception of communications***.

34. (1) An inspector may, for a purpose related to verifying compliance with this Act, ***enter any place owned by, or under the control of, any telecommunications service provider*** in which the inspector has reasonable grounds to believe there is any document, information, transmission apparatus, telecommunications facility or any other thing to which this Act applies.

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Powers on entry

(2) The inspector may, for that purpose,

(a) ***examine any document, information or thing found*** in the place and open or cause to be opened any container or other thing;

(b) examine or test or cause to be tested any telecommunications facility or transmission

apparatus or related equipment found in the place;
(c) ***use, or cause to be used, any computer system*** in the place to search and examine any information contained in or available to the system;
(d) ***reproduce, or cause to be reproduced***, any information in the form of a printout, or other intelligible output, and remove the printout, or other output, for examination or copying; or
(e) use, or cause to be used, any copying equipment or means of telecommunication at the place.
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Duty to assist
(3) The ***owner or person in charge of the place and every person in the place must give all assistance that is reasonably required to enable the inspector to perform their functions under this section*** and must provide any documents or information, and access to any data, that are reasonably required for that purpose.
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Inspector may be accompanied
(4) The inspector ***may be accompanied by any other person that they believe is necessary*** to help them perform their functions under this section.

Entry onto private property
36. An inspector and any person accompanying them ***may enter private property — other than a dwelling-house — and pass through it*** in order to gain entry to a place referred to in subsection 34(1). For greater certainty, ***they are not liable for doing so***.
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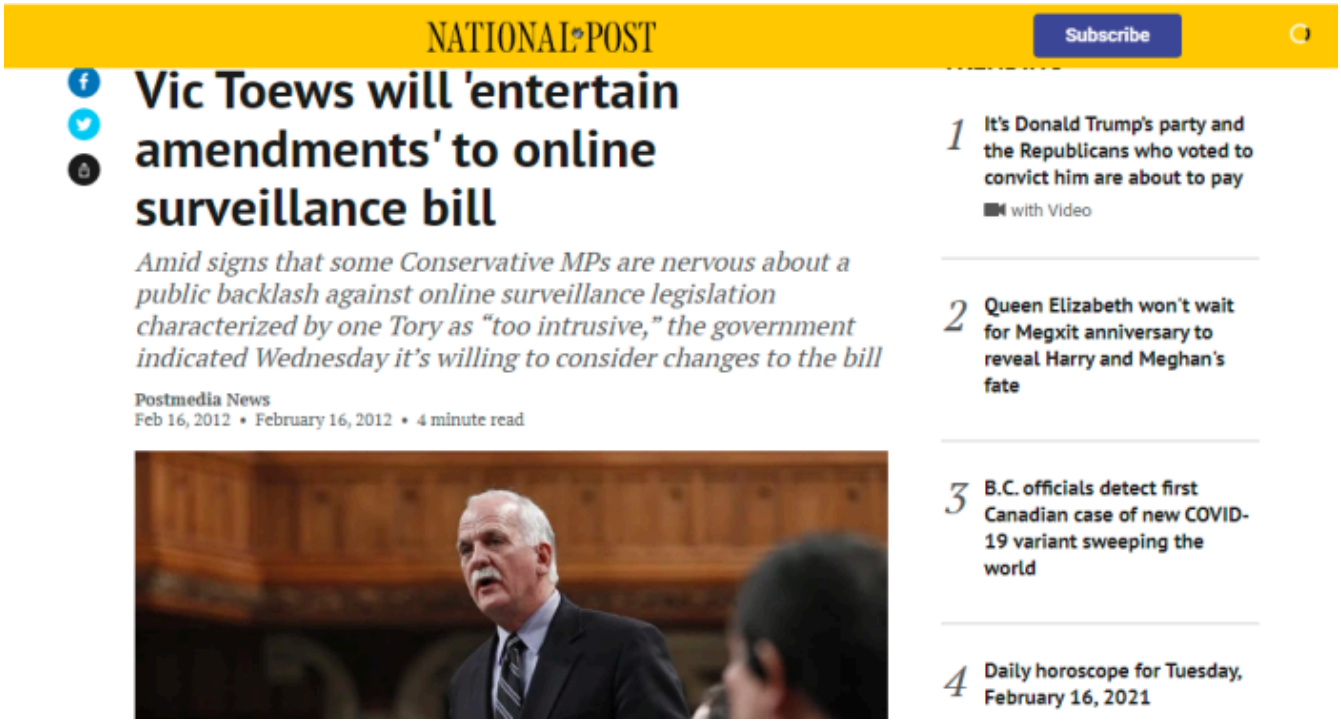
Use of force
37. In executing a warrant to enter a dwelling-house, an ***inspector may use force only if the use of force has been specifically authorized in the warrant and they are accompanied by a peace officer***.

Does this sound like it's about protecting kids online? The CPC became notorious for gaslighting Canadians over privacy concerns with the line: "Either you're with us, or you're with the child pornographers". Concerns over this Bill wasn't just limited to criminals and child predators. Anyone with any expectation of privacy from internet providers should be alarmed.

Remember the days when "Conservatives" at least pretended care about personal freedoms, such as privacy and property rights?

Who's to say that elements of this won't be, (or haven't already been), slipped into other pieces of legislation? If it were more arranged in a more piece-meal fashion, it could pass.

Backlash Felt Over Privacy Concerns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Vic Toews will 'entertain amendments' to online surveillance bill

Amid signs that some Conservative MPs are nervous about a public backlash against online surveillance legislation characterized by one Tory as "too intrusive," the government indicated Wednesday it's willing to consider changes to the bill

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Following the predictable public outrage, Toews backed down almost immediately, saying he would entertain amendments to the Bill. At that time, the Conservative Party held a majority in Parliament, so they could have passed it if they wanted to. In the end, Bill C-30 didn't get past First Reading, and died in that session of Parliament.

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